IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR.JUSTICE J..B.KOSHY
&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 442 of 2007(C)

PETITIONER:

LEELA, W/O.SANKARA PILLA,
AGED 65 YEARS, USHUS HOUSE, KIDANGOOR,
THURAVOOR VILLAGE, ANGAMALY.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:
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1. REVENUE DIVISIONAL OFFICER,
FORT KOCHI, ERNAKULAM.

2. SUPERINTENDENT OF POLICE,
RURAL, ALUVA.

3. C.I. OF POLICE,
ANGAMALY POLICE STATION,
ANGAMALY.

4. RAJAN, S/O.PADMANABHA PILLAI,
MEPPADATH HOUSE, KIDANGOOR KARA,
THURAVOOR VILLAGE.

5. SUDHAKARAN, PADAMANABHA PILLAI,
ARAKKAL HOUSE, CHELAMATTOM KARA,
ANGAMALY.

BY ADV. SRI.S.SREEKUMAR
BY GOVT. PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

Ext. P1: True copy of the complaint submitted by the petitioner before the ist respondent

Ext.P2: True copy of order passed by Village Officer Thuravoor

Ext.P3: True copy of the covering letter issued by petitioner to the 2nd and 3rd respondents

Ext.P4: Photograph taken at the scene of occurrence

RESPONDENT'S EXHIBITS

Ext.R5(a) : Photograph showing the road, paddy field and property of Respondents 4 and 5

Ext.R5(b) : Photographs showing the residential building of 4th respondents and the Panchayath road

Ext.R5(c): True copy of suit as O.S. No.434 of 2006

Ext.R5 (d) True copy of order dated 23-12-2006 of the village Officer

Ext.R5 (e) : True copy of explanation dated 1`9-01-2007

J.B.KOSHY & T.R.RAMACHANDRAN NAIR ,JJ

W.P(C) No. 442 0f 2007

Dated this the 21st day of February 2007

JUDGMENT

Koshy.J

This is a petition for police protection. According to the petitioner in spite of the prohibitory order issued by the Tahsildar (Ext.P2) the fourth respondent and the fifth respondent are removing the soil They are also restrained from doing so by an injunction in O.S. No. 434 of 2006 of Aluva Munsiff Court. According to the respondent earlier suit filed by the petitioner was dismissed and the present suit was filed by the son of the petitioner The police is directed to see that the respondents are removing the earth only if there are no prohibitory orders issued either from the Statutory authorities or from the local bodies. Revenue Authorities may dispose of the matter with notice to the concerned parties as expeditiously as possible. This writ petition is disposed of accordingly

J.B.KOSHY JUDGE

T.R.RAMACHANDRAN NAIR ,JUDGE

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